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November 13, 2020

VIA ECF

The Honorable Kiyo A. Matsumoto
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Agudath Israel of America, et al. v. Andrew M. Cuomo*, No. 1:20-cv-4834 (E.D.N.Y.)

Dear Judge Matsumoto:

We represent Plaintiffs in the above-referenced case. On October 8, 2020, Plaintiffs filed a complaint asking this Court to enjoin Defendant from enforcing New York Executive Order No. 202.68 (the "Order") and to declare the Order unconstitutional because it violates Plaintiffs' Free Exercise rights. Dkt. 1. That same day, Plaintiffs filed a motion for temporary restraining order and preliminary injunction, Dkt. 2, which the Court denied on October 9, Tr. 66. On October 19, Plaintiffs filed a notice of appeal from that denial. Dkt. 16.

Pursuant to Federal Rule of Civil Procedure 62(d) and Federal Rule of Appellate Procedure 8(a)(1)(C), Plaintiffs hereby move this Court for an injunction pending appeal of its order denying preliminary injunctive relief. In support of their request, Plaintiffs rely on the arguments stated in their motion for temporary restraining order and preliminary injunction and accompanying documents, Dkt 2, as well as at the October 9 hearing. Plaintiffs acknowledge the prior rulings by this Court and the Second Circuit Court of Appeals, which denied their request for an injunction pending appeal. In light of those rulings, Plaintiffs respectfully request this Court's ruling on this request for an injunction pending appeal by the close of business today.

Plaintiffs respectfully ask this Court to accept this submission as Plaintiffs' letter motion for an injunction pending appeal, and to enter an expedited ruling based on the parties' prior submissions and the prior rulings in this matter. Pursuant to Local Rule 37.3, we have met and conferred with counsel for Defendant, who opposes the request for an injunction pending appeal.

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Respectfully,

s/ Avi Schick
Avi Schick

Cc: Counsel for Defendant (via ECF)